

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18269 of 2004

Between:

S. Sankaraiah,

S/o Yellaiah,

R/o H.No. 5-86,

Kondapur village and Mandal,

Medak District.

..... PETITIONER

AND

1 The Asst. Motor Vehicle Inspector,

Medak (ENF), Sangareddy.

2 The Station House Officer,

Sangareddy Town P.S,

Medak District.

3 The Regional Transport Authority,

Sanga Reddy, Medak District.

(R3 added as per the oral order of the

Hon'ble High Court dated 7-10-2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari calling for all the connected records including the vehicle check report bearing No. 1116528 dated 15-6-2004 in respect of the petitioner tractor and trailer bearing No. AP 23 4368 and AP 23 T 4369 and quash the same as illegal, improper, unjust, arbitrary and further direct the respondents 1 and 2 to release the petitioner's tractor and trailer bearing No. AP 23T 4368 and AP 23 T

4369 to the petitioner.

Counsel for the Petitioner: Mr. K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following ORDER:

The petitioner is the owner of the tractor. He was issued a charge sheet on 15-6-2004. The 1st respondent seized the vehicle of the petitioner for failure to cause production of the documents of the vehicle. The matter is now under consideration of the 3rd respondent-Regional Transport Authority. The petitioner contends that though he submitted a representation to the 3rd respondent for release of the vehicle, the same was not released. The petitioner, therefore, approached this Court seeking a direction to the 3rd respondent-Regional Transport Authority for release of the vehicle for interim custody pending enquiry in the matter. If the vehicle is kept idle, it is likely to be rusted and damaged. Therefore, it would be appropriate to direct interim custody of the vehicle to the petitioner.

In the light of the above circumstances, the 3rd respondent-Regional Transport Authority is directed to release the vehicle of the petitioner for interim custody on condition of his paying Rs.7500/- (rupees seven thousand five hundred only) and on the following further conditions:

1. He shall not transfer the vehicle to any other person without the permission of the 3rd respondent-Regional Transport Authority.
2. He shall not change the engine or parts of the vehicle
3. He shall produce the vehicle as and when required by the concerned authorities.
4. He shall participate in the enquiry that is going to be conducted by the 3rd respondent-Regional Transport Authority after receipt of the show cause notice by filing his explanation.

5. The tax, if any, may be adjusted from out of the amount deposited by the petitioner.

The 1st respondent may take further steps for recovery of the tax from the petitioner.

The Writ Petition is accordingly disposed of.

(Dr. G.YETHIRAJULU,J)

7th October, 2004.

Note: Furnish C.C. tomorrow.

B/o

Tsy

To

1 The Asst. Motor Vehicle Inspector,

Medak (ENF),

Sangareddy.

2 The Station House Officer,

Sangareddy Town P.S,

Medak District.

3 The Regional Transport Authority,

Sanga Reddy,

Medak District.

4 Two CCs to the GP for Transport, High Court of A.P.,

Hyderabad (O.U.T.)

5 Two CD Copies.